

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MORTON and EVELYN JEAN LIPETZ, On
Behalf Of Themselves And All Others
Similarly Situated,

Plaintiffs,

vs.

WACHOVIA CORPORATION, G.
KENNEDY THOMPSON, and THOMAS J.
WURTZ

Defendants.

Civil Action No. 1:08-cv-06171-RJS

ECF Filed

**NOTICE OF NON-OPPOSITION OF THE
WACHOVIA INSTITUTIONAL INVESTOR GROUP**

Based on the pending motions for appointment of Lead Plaintiff, and without commenting on the veracity of their calculation methods, it appears that the New York City Pension Funds¹ assert the largest financial interest in this matter. Therefore, Maine Public Employees Retirement System, Fjärde AP-Fonden, and Public Employees' Retirement System of Mississippi (collectively, the "Wachovia Institutional Investor Group") do not oppose the motion of the New York City Pension Funds for appointment as Lead Plaintiff. The Wachovia Institutional Investor Group stands ready, willing, and able to assist the Court and/or the New York City Pension Funds in the conduct of the litigation. Should the Court decline to appoint the New York City Pension Funds as Lead Plaintiff, the Wachovia Institutional Investor Group submits that it is the next most qualified movant for appointment as Lead Plaintiff in this action.

Dated: August 26, 2008

Respectfully submitted,

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¹ The New York City Pension Funds consist of the Board of Education Retirement System; the New York City Employees' Retirement System; the New York City Police Pension Fund; the New York City Police Officers' Variable Supplements Fund; the New York City Police Superior Officers' Variable Supplements Fund; the New York City Fire Department Pension Fund; the New York City Firefighters' Variable Supplements Fund; the New York City Fire Officers' Variable Supplements Fund; the New York City Teachers' Retirement System; and the New York City Teachers' Retirement System Variable Annuity Program.

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